

No. 28-HA-63/H/603.—Whereas the Governor of Haryana is satisfied that land specified below is needed by the Government, at public expense for a public purpose namely for the construction of road from village Juglan to Central Sheep Farm in Hissar District, it is hereby declared that the land described in the specification below is required for the aforesaid purpose.

This declaration is made under the provisions of section 6 of Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Collector, Haryana, P.W.D. B. & R Branch, Ambala Cantt. or any other special Collector authorised by the Colonization Officer-cum-Special Land Acquisition Collector, Haryana is hereby directed to take orders for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Haryana, P.W.D. B. & R. Branch, Ambala Cantt. and Executive Engineer, Provincial Division, Hissar.

SPECIFICATION

Name of District	Name of Tehsil	Name of Village	Area in Acres	Details of Khasra Nos.
Hissar	Hissar	Juglan	4.52	357, 369, 368, 370, 371, 356, 372, 557, 427, 426, 425, 420, 429, 430, 431, 432, 333, 300, 399, 594, 596, 595, 424, 73 7, 14, 15 72
				1, 20, 19/1, 19/2, 18, 22, 17, 24, 25 31 76
				1, 2/1, 2/2, 3, 4, 6, 7, 8, 15. 77
				1, 12, 16, 17, 18.
Do	Do	Bear Hissar	1.50	186, 1885, 389 8, 9, 10, 11, 12, 13 388 6/1, 6/2, 8, 9, 10, 1, 2, 3, 387 2, 3, 4/1, 4/2, 5/1, 5/2. 335 21, 23, 21/1, 21/2 336 18, 19, 20, 21, 22, 23, 24, 25/1, 25/2. 338 7, 8, 9, 10, 11, 12, 13, 14, 15/1, 15/2 337 11, 12, 13, 16, 17/1, 17/2, 18, 19/1, 19/2, 25, 20, 339 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. 340 1, 2, 3, 4/1, 4/2, 5, 6. 325 1, 12, 13, 18, 19, 20/1, 20/2, 25, 17/1, 17/2 322 11, 12, 13, 14, 17, 18, 16, 19, 20, 15, 16. 321 14, 15, 16, 17, 18, 19, 20, 21, 22, 23. 320 16, 17, 18, 19, 20, 21, 22, 23, 24, 25. 319 16, 17, 18, 19, 20, 21, 22, 23, 24, 25.

Name of District	Name of Tehsil	Name of Village	Area in Acres	Details of Khasra Nos.
				318
				20, 21/1, 21/2, 23/1, 23/2, 22/1, 22/2, 25/1, 25/2, 317 = 1884.
				8, 13, 14/1, 14/2, 16/1, 16/2, 17.
Hissar	Hissar	Thaska	1.50	65
				1, 2, 8, 9, 10 66 = 90, 82, 100.
				5, 6, 7, 8, 13, 18.
		Total	.. 9.02	

M.G. UPPAL,

Superintending Engineer,
Hissar Circle, Hissar.LABOUR DEPARTMENT
The 8th December, 1972

No. 13113-4Lab-72/49317.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Adarsh Coop. Farming Society, Tigaon Road, Ballabgarh:—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 166 of 1971
betweenSHRI ZAHOOR KHAN AND THE MANAGEMENT OF M/S ADARSH COOP. FARMING
SOCIETY, TIGAON ROAD, BALLABGARH

Present.—Shri Ashok Kumar, for the workman.

Shri D.C. Bhardwaj, for the management.

AWARD

This reference under clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947 has arisen out of the following facts:—

Shri Zahoor Khan concerned workman was in the service of M/s Adarsh Coop. Farming Society, Ballabgarh. He had met with an accident on 1st December, 1964 as a result whereof his left arm was lost. According to him, he reported for duty after being discharged from the Hospital but the management did not allow him to work and terminated his services with effect from 10th January, 1965. He raised a demand for reinstatement and back wages but without any success. This gave rise to an industrial dispute which has been referred for adjudication to this court by the Governor of Haryana,—*vide* order No. ID/FD/703-A/27832-36, dated 9th September, 1971, with the following term of reference :—

“Whether the termination of services of Shri Zahoor Khan was justified and in order ? If not, to what relief is he entitled ?”

On receipt of the order of reference, usual notices were given to the parties and they put in their written statements. The management contested the claim of the workman on a number of grounds pleading *inter alia* that he had left service of his own accord and later on received his dues in full and final settlement of all his claims including that of reinstatement or re-employment.

From the pleadings of the parties the following issues arose for determination :—

- (1) Whether the respondent factory has finally closed working from 4th October, 1970 ?
- (2) Whether the workman left the management of his own accord on 19th October, 1965 ?
- (3) Whether the reference is very much belated and if so, what is its effect ?
- (4) Whether the workman received his dues in full and final settlement of all his claims including his claim for reinstatement and re-employment on 19th April, 1965 ?
- (5) If the above issues are found in favour of the workman, whether the termination of services of Shri Zahoor Khan was justified and in order ? If not, to what relief is he entitled ?

The management has examined 3 witnesses including Shri Sish Ram, M.W. 1, Shri Khem Chand M.W. 2 (both Lambardars of village Sih) and Shri Ram Dev Sharma son of Shri Parshadi Lal the then President of the

Adarsh Coop. Farming Society, Ballabgarh. Reliance has also been placed upon documentary evidence consisting of receipt dated 17th February, 1965 Ex. M.1 for Rs 1,200, receipt dated 19th April, 1965 for Rs 1,300 Ex. M. 2, Certificate dated 19th October, 1971 of the Liquidator Coop. Society, Ballabgarh Circle Ex. M.3, letter dated 15th December, 1971 from Shri Harmohan Singh Agriculturist, Model Town, Yamuna Nagar to the effect that Shri Zahoor Khan had joined service with him as a Farm Boy in 1965 and left service in 1969 Ex. M.4, copy of resolution dated 17th April, 1965 passed by Adarsh Coop. Farming Society, Ballabgarh under the Presidentship of Shri Parshadi Lal whereby sanction for payment of Rs 2,500 to Shri Zahoor Khan was accorded, Ex. M.5.

On the other hand, Shri Zahoor Khan has made his own statement and examined his brother Jumma. He has not relied upon any other evidence, oral or documentary.

Arguments have been addressed on both sides and I have given a very careful consideration to the facts on record.

The first and the foremost question that arises for consideration in the case is, whether this workman had left service with the respondent Society of his own accord and received final payment of his dues as alleged by the management. In view of the categorical denial by the workman the burden was, of course, on the management to establish this fact and after examining the evidence on record, oral as well as documentary, I am quite clear in my mind that the management has succeeded in discharging this burden satisfactorily. There is the statement of Shri Ram Dev Sharma M.W. 3 that after Shri Zahoor Khan had met with the accident on 1st December, 1964 he had never attended his duty at the Farm and further that after receipt of his final dues he had joined service at Yamuna Nagar Farm. This version finds corroboration in the letter dated 15th December, 1971 of Shri Harmohan Singh Agriculturist, Model Town, Yamuna Nagar, Ex. M. 4 on record, which shows that Shri Zahoor Khan had remained in service at that Farm from 1965 to 1969. This fact is further established from the statement of Shri Jumma a brother of Shri Zahoor Khan examined as W.W. 1 in the case. Shri Zahoor Khan has himself admitted that he had worked at the said Farm although for 3 months only. His bald statement in the absence of further corroboration is not sufficient to rebut the evidence led by the management on the point, as discussed above.

Now, as far the final payment of the dues of this workman the management has placed reliance upon two receipts Exhibits M.1 and M.2 which are attested by two Lambardars of the village, Shri Sish Ram M.W. 1 and Shri Khem Chand M.W. 2, who have both sworn testimony to the fact that Rs 1,200 were paid to Shri Zahoor Khan, —*vide* receipt Ex. M.1 and Rs 1,300, —*vide* receipt Ex. M. 2, Rs 2,500 in all, in full and final settlement of his claims. Receipt Ex. M.1 is also thumb-marked by Shri Jumma real brother of Shri Zahoor Khan. The witnesses have been subjected to scathing cross-examination but nothing worth consideration has come out to dis-credit their evidence. The payment of the aforesaid two amounts has further been proved by the statement of Shri Ram Dev Sharma M. W. 3 who is also the scribe of the receipt Ex. M. 2. In cross-examination by the learned representative of the workman he has further proved that the receipt Ex. M.1 was written by his father Parshadi Lal, the then President of the respondent Society. The workman has produced no reasonable rebuttal of the above evidence of the management and I see no reason to disbelieve the statements of the two Lambardars who have unanimously supported the contention raised on behalf of the management. No suggestion has been made in the cross-examination of these witnesses that they were in any way inimical towards the workman.

It would thus appear that this workman had voluntarily left service with the respondent Society after he had met with accident in December, 1964 and that he had finally settled his claim by receiving payment of Rs 2,500 from the management. This payment had been made to him in pursuance of the resolution dated 17th April, 1965 passed by the Society copy Ex. M. 5. In the circumstances, Shri Zahoor Khan had ceased to be a workman of the said Society after he had received final payment of his dues and left service of his own accord and taken up another job at the Yamuna Nagar Farm.

There is still another aspect of the case which deserves consideration here. As per the statement of Shri Ram Dev Sharma M.W. 3 read with the certificate issued by the Liquidator Coop. Society, Ballabgarh Circle Ex. M.3, the respondent Society had gone into liquidation and the working had been closed with effect from 4th October, 1970. The demand notice leading to the present reference was given on 3rd June, 1971, i.e., about 8 months after the Society had ceased to function. So, judged from the whatever angle, whether on account of the self abandonment of service and receipt of final payment of his dues by the workman or on account of the closure of the working at the Farm by this Society which had gone into liquidation, no industrial dispute survived between the parties which could validly be referred for adjudication under section 10 or for that matter under section 2-A of the Industrial Disputes Act, 1947.

As already observed, Shri Zahoor Khan had met with the accident in December, 1964 and he had settled his account with the management on 19th April, 1965 obviously after he had been discharged from the Hospital and thereafter he had taken up the other job as a Farm Boy at Yamuna Nagar. The present demand was raised by him on 3rd June, 1971 after the lapse of over 6 years. No reasonable explanation is forthcoming for this inordinate delay and this long silence on the part of the workman coupled with the other facts brought on record by the management, as discussed above, further lends strength to its contention that Shri Zahoor Khan had received payment of Rs 2,500 and left service at his own sweet will. This presumption is irresistible from the facts on record and the learned representative of the workman has not been able to satisfy him to the contrary. It is not believable that this workman would have kept quite for a long period of over 6 years without raising any dispute if he had not received his dues and left service with the respondent Society as contended by the management.

That disposes of all the issues (issues Nos. 1 to 5) which are decided against the workman and in favour of the management.

For the reasons aforesaid, I hold that the present reference is bad in law and Shri Zahoor Khan concerned workman is not entitled to any relief by way of reinstatement or payment of wages, etc. The award is made accordingly. No order as to costs.

Dated 23rd November, 1972.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2683, dated the 27th November, 1972.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court Haryana, Rohtak.

No. 13101-4-Lab-72/49319.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Jai Denesh Rolling Mills, Bahadurgarh.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, LABOUR COURT, HARYANA ROHTAK
Reference No. 173 of 1972

between

Shri Rameshwar and the management of M/s Jai Denesh, Rolling Mills, Bahadurgarh.

Present.—Shri Rajinder Singh Dahiya, for the workman.
Nemo, for the management.

AWARD

This reference under clause (c) of Sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 has arisen out of the following facts.

Shri Rameshwar concerned workman put in service with M/s Jai Denesh Rolling Mills, Bahadurgarh as a Tonesman at Rs 250 per month for a period of more than one year. The management terminated his services with effect from 13th February, 1972 allegedly without giving any notice or charge-sheet and without any justification. He raised a demand for his reinstatement but without any response from the management. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, has referred the above dispute for adjudication to this court,—*vide* No. ID/RK/239-A-72/20121-129, dated 2nd June, 1972, with the following term of reference :—

“Whether the termination of services of Shri Rameshwar was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were given to the parties. The management has not cared to come forward and contest the claim of the workman in spite of service. He has filed his statement of claim reiterating his demand for reinstatement and back wages earlier raised through the demand notice, dated 4th April, 1972 Ex.W.W. 2/1, which forms part of the present reference.

Evidence of the workman has been recorded. He has made his own statement which finds support in the testimony of Shri Rajinder Singh Dahiya, President of Bahadurgarh Potteries and General Labour Union, Bahadurgarh.

From the facts brought on record, I am satisfied that the management had terminated the services of this workman without any justification and he has since not been gainfully employed anywhere during the period of his forced unemployment, he is entitled to reinstatement with continuity of service and full back wages. He is also entitled to Rs 50 as costs of the present proceedings. The award is made accordingly.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Dated, the 28th November, 1972.

No. 2692, dated 30th November, 1972

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,
Presiding Officer,
Labour Court, Haryana, Rohtak.